

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

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Felicia Dixon 131933 Paula Whaley -185257
Carl Tucker 191059 Tabitha Dierksen -167077
Brenda Powell 162368 Estelle Carter
Perrin Roberts -159116 226770
Full name and prison number of
plaintiff(s)

DEBRA P. HAYES, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CIVIL ACTION NO. 2:05CV573-F
(To be supplied by the Clerk of the
U.S. District Court)

2:05CV578-F

v.

Commissioner Donal Campbell
Tutwiler Administration
Warden Gladys Deese
Deputy Warden Frank Allright
Lt. Lenita Hawthorne et al
defendants
Name of person(s) who violated
your constitutional rights.
(List the names of all the persons)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? Yes () No (☒)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? Yes () No (☒)
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
2. Court (if federal court, name the district; if state court, name the county)

3. Docket No. _____
4. Name of Judge to whom case was assigned _____

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

6. Approximate date of filing lawsuit _____

7. Approximate date of disposition _____

II. PLACE OF PRESENT CONFINEMENT Tutwiler Prison For Women
8966 - US Highway 231N Wetumpka, AL 36092
 PLACE OR INSTITUTION WHERE INCIDENT OCCURRED Tutwiler

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

	NAME	ADDRESS
1.	<u>Commissioner DONAL Campbell</u>	
2.	<u>WARDEN Gladys Deese</u>	<u>8966 - US Highway 231N Wetumpka AL</u>
3.	<u>Deputy Warden Frank Albright</u>	<u>8966 - US Highway 231N</u>
4.	<u>Lt. Lenita Hawthorne</u>	<u>8966 - US Highway 231N Wetumpka, AL</u>
5.	_____	_____
6.	_____	_____

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED _____

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Cruel + Unusual Punishment - 8th Amendment
Due Process Clause of 14th Amendment

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place, manner, and person involved).

All the Defendant in his entire individual + official capacity while acting under color of state law violated + continue to violate their own established policy, procedure. Non-smokers are being unlawfully exposed to unreasonable levels of second-hand smoking. In a no smoking inside the facility

GROUND TWO: The Deliberate Indifference to the non-smoker's Health + Welfare, now + in the future

SUPPORTING FACTS: Exposure to Unconstitutional High Levels of Environmental second hand smoke Failure of the Defendants to enforce their policies and procedures

GROUND THREE: The Non-smokers are being subjected to cruel Punishment and further Damage to their Health + safety

SUPPORTING FACTS: Plaintiffs having experienced / suffered physically And Mentally from the failure of the Defendants to adequately provide an environment that is not hazardous to one's Health, objective element subjected to scrutiny under the 8th Amendment.

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

1. Smoke Detector's to be kept in working Condition
2. Implement Rules Policies, Regulation while enforcing them to the max
3. Provide Non-Smoking Living Areas in each room
4. Compensating each Plaintiff for damages physical being experienced now + in the future Physical + Mental Anguish

Jilun Dixon - See Attached Sheet
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on 5/27/05 6/1/05
(date)

See Attached sheet
Signature of plaintiff(s)

In Filing this Civil Action 42 U.S.C. § 1983

I. Plaintiff asserts every person/defendant acted under color of statute "under color of State Law.

II 28 U.S.C. § 1343(3) provides the Court with Jurisdiction to hear this case.

III The Defendants in his or her official and individual capacity, deprived the Plaintiff(s) of rights secured by the U.S.C.A.

IV Deprivation of Right secured by Federal Law

A. Eighth Amendment which prohibits "cruel and unusual punishment"

B. Due Process Clause of the Fourteenth Amendment

V All available remedies have been exhausted that are available in the Alabama Department of Correction to inmates at Tutwiler Prison For Women.

Plaintiffs Applying As Joinder to Any And All
Civil Actions in Violation of their Constitutional
Rights As non-smokers. Pro Se Inmates

Non-smokers / Plaintiffs

Felicia Dixon Felicia Dixon - 131933
Estella Carter Estella Carter - #226770
Gail Turner Gail Turner - 191059
Brenda Powell Brenda Powell - 162568#
Terrion Roberts Terrion Roberts - 159116
Paula Whatley Paula Whatley - 185251
Tabitha Dickerson Tabitha Dickerson - 167077

Defendants

Commissioner Donal Campbell - Superior Supervisor A.D.C.
Warden Gladys Deese - Frank
Deputy Warden Albright (Albright)
Lt. Lenita Hawthorne